



Kathleen M. Rice
District Attorney

Office of the
Nassau County District Attorney

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NOTICE PURSUANT
TO CPL 710.30(1)(a)

THE PEOPLE OF THE STATE OF NEW YORK
against

Click here to enter Defendant

Defendant

Docket No. 2013NA021558

Date Served: 09/24/2013

By ADA: Ahern

Please take notice that statements in the form noted below were made by the defendant, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under the direction of or in cooperation with such a public servant. Please take further notice that the People intend to offer evidence of the below statement(s) of the defendant on the People's direct case at trial of this action. A transcript of any stenographically recorded statement(s) or copies of any written statement(s) are either appended or will be made available to counsel at a mutually convenient time. A copy of any electronically recorded statement(s) will be provided to counsel following receipt of an appropriate blank medium for copying.

Form of Statement: ☒ Oral ☐ Written ☐ Video ☐ Other

Date: 9/12/2013

Time: 22:57 hours

Place: shoulder of roadway on the Northern State Parkway, westbound, west of Route 135

To Whom Made: Trooper Longarello

Substance of Statement: Defendant admitted driving from a friend's house to her home.
Defendant admitted having consumed 1 alcoholic beverage that was wine while at a friend's house.
Defendant stated that she had consumed 2 and a half drinks of white wine, pinot grigio.
Defendant stated that the time of her last drink was 10:30 PM.
Defendant stated that she ate pizza at 6 PM.
Defendant stated that she last slept last night for 7 hours.
Defendant stated that she was not sick or injured.
Defendant stated that she did not take insulin.
Defendant stated that she does not have any physical defects.
Defendant stated that she is not taking insulin or any medication or drugs.
Defendant stated that she is not diabetic or epileptic.
Defendant stated that she is not under the care of a doctor or dentist.
Defendant stated that she has never before been either arrested for, or convicted of, driving while intoxicated.
During the One Leg Stand test, defendant stopped at five seconds and asked if she was done.
See attached Supporting Deposition and DWI Bill of Particulars. See attached DWI Investigative Notes.

Form of Statement: ☒ Oral ☐ Written ☐ Video ☐ Other

Date: 9/13/2013

Time: approximately 00:29 hours

Place: State Police Barracks, Farmingdale

To Whom Made: Trooper Fennell, Trooper Longarello, Trooper Kuntz

Substance of Statement: Defendant stated that she had consumed two glasses of wine. Defendant complained of pain in her wrist and head.

See attached Supporting Deposition and DWI Bill of Particulars.

Form of Statement: ☒ Oral ☐ Written ☐ Video ☐ Other

Date: 9/13/2013

Time: 01:16 hours

Place: State Police Barracks, Farmingdale

To Whom Made: Trooper Longarello

Substance of Statement: Defendant stated, "Initially he handcuffed me pretty tight, but that's ok. It was protocol."

Form of Statement: ☒ Oral ☐ Written ☐ Video ☐ Other

Date: 9/13/2013

Time: 01:56 hours

Place: State Police Barracks, Farmingdale

To Whom Made: Trooper Longarello

Substance of Statement: "It was two, well maybe three glasses."

Form of Statement: ☒ Oral ☐ Written ☐ Video ☐ Other

Date: 9/13/2013

Time: between approximately 00:34 hours and 01:24 hours

Place: State Police Barracks, Farmingdale

To Whom Made: EMT Woodworth, EMT Iskra, Firefighter/EMT Curley, EMT Barrone, Troopers Longarello, Fennell, Kuntz

Substance of Statement: Defendant complained of pain in her left wrist and her head. Defendant complained of pain in her wrist that had been in a handcuff when she was sitting in the squad room. Defendant stated that she had bumped her head and had a headache. When asked if her wrist hurt while being palpated by an EMT, the defendant stated that her wrist hurt in general. Defendant stated that the officer was rough with her during the handcuffing. Defendant stated that she was injured when the cop roughed her up getting her out of her car. Defendant continuously stated that the officer had handcuffed her too tight, that she asked the officer to loosen the handcuffs, and that he did so. Defendant eventually retracted all of her complaints of pain and said that she had no injuries. Defendant said that she had no pain, no headache, and that she did not want to go to the hospital. Defendant stated that her head did not hurt and that she was fine and everything was ok.

Defendant stated "I have no injuries." Defendant stated "I don't need you guys anymore, I don't want any medical attention." Defendant stated "You're not taking my blood." Defendant stated "I'm not crazy. These questions are stupid." Defendant stated "I'm fine. I really don't need to go to a hospital. I'm not hurt."

Defendant stated that she did not want to go to the hospital and that her lawyer would handle it.

Defendant stated that Oprah had interviewed her at her house three days earlier and that she would be fifty years old on Saturday. When asked by a trooper if she would take a breath test, the defendant stated that she wanted to try to get in touch with her lawyer again. Defendant stated that she was fine and that the cop was just doing his job.

Defendant also stated that she had been on a television show earlier in the night with her ex-husband and that she had had two drinks.

Arrest #
581536

D.A. #

Court #

Misc.

DISTRICT COURT: COUNTY OF NASSAU

STATE OF NEW YORK: COUNTY OF NASSAU

THE PEOPLE OF THE STATE OF NEW YORK
against

LOHAN DINA M DEFENDANT
(Last) (First) (Middle)

The above "DEFENDANT" is charged by Simplified Traffic Information (TSLED) Numbers(s): M213267D67, M213267D8C
(or attached accusatory instrument) with OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS contrary to Section 1192 of the Vehicle and Traffic Law. A Supporting Deposition and/or Bill of Particulars pursuant to Sections 100.25 & 200.95, respectively, of the Criminal Procedure Law are hereby provided, as follows:
THE UNDERSIGNED COMPLAINANT, upon direct knowledge unless otherwise specified, avers that the defendant, on or about 09/12/2013, at or about 22:56, operated a (color) WHITE YR 2004 (make) BMW motor vehicle, bearing State of registration number in a WESTERLY direction on NSP W/B W/O 36A a public highway/parking lot in the TOWN of OYSTER BAY County of NASSAU, State of New York, while in an intoxicated condition and/or having a 0.20% blood alcohol content.

1. GENERAL INFORMATION

Arrest Date: 09/12/2013 Arrest Time: 23:06
Date of Birth: 09/15/1962 Sex: FEMALE
License State: Address: City: MERRICK State: NY
Zip Code: 11566 Phone: Vehicle Status: IMPOUNDED
Road Conditions: DRY Traffic: LIGHT Weather: CLOUDY

☐ PRIOR CONVICTIONS As a Felony

Sections	How Many	Last Date	As a Felony
1192.1			
1192.2			
1192.2(a)			
1192.2(a)(a)			
1192.2(a)(b)			
1192.3			
1192.4			
1192.4(a)			
1192.5			
1192.6			
Out of State			

2. REASONS FOR STOP / DESCRIPTION OF VIOLATIONS

☐ Erratic Operation:
☒ VTL Violation of Section(s): 1180B
☐ Accident: ☐ Property Damage ☐ Injury
☐ Injury to Other than Driver
☐ "SPI" (Serious Physical Injury)
☐ "D" Fatality
☐ Civilian Complaint
☐ Roadblock
☐ Other:
Time of Stop: 22:56

3. VEHICLE OPERATION SHOWN BY:

☒ Complainant's Observations
☐ Civilian Witness(es) Identification
☒ Admissions (see Number 9)
☒ Further Observations as follows:
☒ Defendant at the Wheel
☐ Defendant near the Vehicle
☒ Keys in the Ignition
☒ Motor Running
☐ Defendant Injured in Crash
☐ Other:

4. PROBABLE CAUSE FOR ARREST:

A. Observation of the Defendant's:
☒ Driving
☒ Odor of Alcoholic Beverage
☐ Odor of Marijuana
☒ Glassy Eyes
☒ Impaired Speech
☒ Impaired Motor Coordination
☐ Other Odors:
☒ Performance of Field Test(s) ☐ Refused
Fail Pass Clues
☒ Horizontal Gaze Nystagmus ☒ ☐ 6
☒ Walk and Turn ☒ ☐ 7
☒ One Leg Stand ☒ ☐ 2
☐ Romberg Balance
☐ Finger to Nose
☐ Finger Count
☐ Reciting the Alphabet
☐ Other:
☐ Defendant Disabled

B. Admissions By The Defendant
☒ Oral (see Number 9)
☐ Conduct: ☐ Screening Test Refusal
☐ Chemical Test Refusal
☐ Resisted Apprehension
☐ Other:
C. Other Evidence as Follows:
☐ Open Container of an Alcoholic Beverage
☐ Drug Paraphernalia
☐ Positive Breath Screening Test
Time:
☐ Civilian Witness(es)
☐ Other:

5. NO ALCOHOL AFTER STOP SHOWN BY:

☒ Continual Police Observation
☐ Admissions (See Number 9)
☐ Civilian Witnesses
☐ Video
☐ Other:

6. CHEMICAL TEST INFORMATION

Time of Test: 00:55
Location of Test: FARMINGDALE
Witness to Test: TPR LONGARELLO

BREATH TEST B.A.C. 0.20%

Breath Test Operator S - KUNTZ

☐ Other Test B.A.C.

Inst. # ARAF-0091 Model # 9510

Sim. Lot # 1338906CYL63 Yes No

Agreed to take blood test?

Implied consent of blood test?

Blood Test Drawn By:
☐ Nurse ☐ Physician ☐ EMT ☐ Lab Tech
☐ Court ordered blood test:

Judge:

Location of lab for analysis:

☐ Refusal ☐ No Test Administered

7. PRESENT CHARGES:

☐ DWAI 1192.1
☐ DWI 0.08% BAC or Greater 1192.2
☒ AGGRAVATED DWI 1192.2(a)(a)
☐ FELONY DWI - CHILD IN VEHICLE 1192.2(a)(b)
☒ DWI INTOX 1192.3
☐ DWAI DRUGS 1192.4
☐ COMBINED INFLUENCE 1192.4(a)
☐ CMV w/ Hazmat 0.04% - 0.06% BAC 1192.5
☐ CMV w/ Hazmat 0.06% - 0.08% BAC 1192.6
☐ Felony 0.08% BAC or Greater [1192.2 and 1193.1(c)]
☐ Felony DWI [1192.3 and 1193.1(c)]
☐ Consumed Alcohol-Under 21 [1192.a]
☐ Other VTL Violation(s)
☐ Other Offense(s)
☐ Current Susp./Revoc (Sec. 511)

8. VERIFICATION:

False Statements made herein are punishable as a Class "A" misdemeanor pursuant to Section 210.45 of the Penal Law.
NEW YORK STATE POLICE
Police Agency
Arresting Officer (Signature)
ANTHONY M LONGARELLO
Arresting Officer (Print Name)
5433 L 1 31
Shield # Precinct/Troop/Zone/Station
☐ Supporting Deposition Served on Defendant
Date Officer's Initials Defendant's Initials
DCJS - 3204

PEOPLE V.

LOHAN

DINA

M

Arrest #

581536

PLEASE TAKE NOTICE THAT THE PEOPLE, PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, INTEND TO USE ALL STATEMENTS OR ADMISSIONS REFLECTED HEREIN MADE BY THE DEFENDANT TO A LAW ENFORCEMENT OFFICIAL.

A. CONVERSATION AT ARREST SCENE

Time: 22:57 Date: 09/12/2013

To Whom: TPR LONGARELLO

DEFENDANT SAID THAT HE/SHE:

☒ Had been drinking: How Many 1

Type WINE

Where FRIENDS HOUSE

☐ Operated the Vehicle☐ Did Not Drink since Operation of Vehicle Ceased☒ Was Driving to: HOME☒ Was Driving from: FRIENDS HOUSE☐ Had Prior Alcohol Convictions☐ Is Currently DWI Susp/Revoc☐ Would Not Take a Screening Test☐ Would Not Take a Chemical Test☐ AS IN ATTACHMENT HERETO☐ OTHER

B. CONVERSATION AT SP FARMINGDALE

Time: 00:29 Date: 09/13/2013

To Whom: TPR FENNELL

DEFENDANT SAID THAT HE/SHE:

☐ Had been drinking: How Many

Type

Where

☐ Operated the Vehicle☐ Did Not Drink since Operation of Vehicle Ceased☐ Was Driving to:☐ Was Driving from:☐ Had Prior Alcohol Convictions☐ Is Currently DWI Susp/Revoc☐ Would Not Take a Screening Test☐ Would Not Take a Chemical Test☐ AS IN ATTACHMENT HERETO☒ OTHER

THAD 2 GLASSES OF WINE

C. IDENTIFICATION OF DEFENDANT

☒ Confirmation (at or near scene)☐ Observation (of operation or upon other occasion)

D. VIDEO

☐ Yes ☒ No

E. WARNINGS GIVEN

DWI Refusal Warning Time: 23:59

Given by: TPR LONGARELLO

Location SP FARMINGDALE

Miranda Time: 00:06

Given by: TPR LONGARELLO

Location SP FARMINGDALE

F.710.30 Notice served on Defendant

Date	Officer's Initials	Defendant's Initials
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CONVERSATION NARRATIVE: